



PATENT  
Customer No. 22,852  
Attorney Docket No. 05725-0832-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Véronique FERRARI et al. ) Group Art Unit: 1615  
)  
Application No.: 09/749,036 ) Examiner: J. VENKAT  
)  
Filed: December 28, 2000 ) Confirmation No.: 5474  
)  
For: COMPOSITION COMPRISING AT )  
LEAST ONE HETERO POLYMER )  
AND AT LEAST ONE PASTY )  
FATTY SUBSTANCE AND )  
METHODS FOR USE )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE**  
**STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Office the documents on the attached listing. This Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination in the above-referenced application.

Copies of the listed documents are attached, excluding any U.S. Patents, U.S. Patent Application Publications, and co-pending U.S. Patent Applications, which are available in the Image File Wrapper System.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality

standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive office actions filed in co-pending applications on the attached listing. At the Examiner's request, Applicants have not included copies of the office actions from co-pending applications issued by the Examiner of this application.

Applicants' representatives understand from the Examiner that in other related co-pending applications the Examiner considered references cited on the Forms PTO-1449 filed, but that she had crossed through some of the citations and did not initial the entries to avoid the printing of the those documents on the face of any patent granted therefrom. In the present case, Applicants are resubmitting on the attached listing documents previously submitted but crossed through or not initialed by the previous Examiner, for the present Examiner's consideration. In light of the present Examiner's representations regarding the crossing-out of references in the related co-pending applications, Applicants will consider any entries crossed through by her as having been properly submitted and considered by the Examiner, unless the Examiner specifically state otherwise in the papers returning the attached listing.

Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **DE 195 43 988 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document was identified on the International Search Report in PCT/FR01/03726, which is submitted herewith.

2. **DE 199 51 010 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document was identified on the International Search Report in PCT/FR01/03726, which is submitted herewith.

3. **DE 38 43 892 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document was identified on the International Search Report in PCT/FR01/03726, which is submitted herewith. This document is believed to be related to U.S. Patent No. 5,061,289.

4. **DE 42 08 297 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document was identified on the International Search Report in PCT/FR01/03726, which is submitted herewith.

5. **DE 42 34 886 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document was identified on the International Search Report in PCT/FR01/03726, which is submitted herewith.

6. **EP 0 169 997 B1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, which is submitted herewith. This document is believed to be related to U.S. Patent No. 4,620,492.

7. **EP 0 749 748 A1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document was identified on the International Search Report in PCT/FR01/03726, which is submitted herewith. This document is believed to be related to U.S. Patent No. 5,769,902.

8. **FR 2 796 272** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to FR 2 796 271, which is the French Priority Application for co-pending U.S. Patent Application Serial No. 09/618,066 and was previously submitted.

9. **FR 2 796 273** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, which is submitted herewith. This document is believed to be related to U.S. Patent No. 6,402,408 B1, which was previously submitted.

10. **FR 2 804 017** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, which is submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2001/0031280 A1.

11. **FR 2 804 018** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to WO 01/52799 A1, which was previously submitted.

12. **FR 2 810 562** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to WO 01/97773 A1, which is submitted herewith.

13. **FR 2 811 225** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, which is submitted herewith. This document is believed to be related to U.S. Patent No. 6,432,391 B1, which was previously submitted.

14. **FR 2 817 739** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, which is submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2003/0026772 A1, which was previously submitted.

15. **FR 2 817 740** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, which is submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2003/0044367 A1, which was previously submitted.

16. **FR 2 817 743** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, which is submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2002/0189030 A1, which was previously submitted.

17. **FR 2 819 399** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, which is submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2002/0172696 A1, which was previously submitted.

18. **FR 2 819 400** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to WO 02/055031 A1, which was previously submitted.

19. **JP 02/200612** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is believed to be related to EP 0 370 470 B1, which was previously submitted, and CA 2,003,346, which is submitted herewith.

20. **JP 10/120903** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

21. **JP 11/335228** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

22. **JP 11/335242** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

23. **JP 11/335254** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

24. **JP 2000038314 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

25. **JP 2000038316 A and JP 2000038317 A** - An abstract of the disclosure of these documents can be found in the English language Derwent Abstract, which is submitted herewith. These documents are believed to be related to EP 0 958 805 A2, which is submitted herewith.

26. **JP 2000038321 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

27. **JP 2000086427 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, which is submitted herewith. The document is believed to be related to EP 0 958 804 A2, which is submitted herewith.
28. **JP 2000086429 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
29. **JP 2000086438 A** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
30. **JP 9/20631** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
31. **JP 50/058242** – An abstract of the disclosure of this document can be found in the English language abstract, which is submitted herewith.
32. **JP 62/061911** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract, which was previously submitted. This document was identified on the French Search Report in FR 0100620, which was previously submitted.
33. **WO 01/97773 A1** - An English language Abstract of this document can be found on the front of this document. An abstract of the disclosure of this document can also be found in the English language Derwent Abstract, which is submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2003/0161807 A1.
34. **WO 02/056847 A1** - An English language Abstract of this document can be found on the front of this document. An abstract of the disclosure of this document can also be found in the English language Derwent Abstract, which is submitted herewith.

This document is believed to be related to U.S. Patent Application Publication No. US 2002/0172696 A1, which was previously submitted.

35. **WO 02/056848 A1** - An English language Abstract of this document can be found on the front of this document. An abstract of the disclosure of this document can also be found in the English language Derwent Abstract, which is submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2002/0192168 A1, which was previously submitted.

36. **WO 02/47622 A2** - An English language Abstract of this document can be found on the front of this document. An abstract of the disclosure of this document can also be found in the English language Derwent Abstract, which is submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2002/0168335 A1, which was previously submitted.

37. **WO 02/47629 A1** - An English language Abstract of this document can be found on the front of this document. An abstract of the disclosure of this document can also be found in the English language Derwent Abstract, which is submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2002/0189030 A1, which was previously submitted.

38. **WO 02/47630 A1** - An English language Abstract of this document can be found on the front of this document. An abstract of the disclosure of this document can also be found in the English language Derwent Abstract, which is submitted herewith. This document is believed to be related to U.S. Patent Application Publication No. US 2003/0012764 A1, which was previously submitted.



39. **WO 98/22078** - An English language Abstract of this document can be found on the front of this document. This document was identified on the International Search Report in PCT/FR01/03726, which was previously submitted. This document is believed to be related to U.S. Patent No. 6,171,347.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

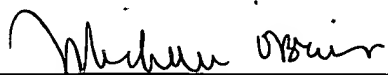
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 4, 2004

By:   
\_\_\_\_\_  
Michelle E. O'Brien  
Reg. No. 46,203

**Complete if Known**

Application Number	09/749,036
Filing Date	December 28, 2000
First Named Inventor	Véronique FERRARI et al.
Art Unit	1615
Examiner Name	Venkat
Attorney Docket Number	05725.0832-00000

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 12

**U.S. PATENT AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initial*	Document Number	Issue or Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, where Relevant Passages or Relevant Figures Appear
	4,278,658	7/14/1981	Hooper et al.	
	4,620,492	11/4/1986	Vogg et al.	
	4,952,245	8/28/1990	Iwano et al.	
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Examiner  
SignatureDate  
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**Complete if Known**

Application Number	09/749,036
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**U.S. PATENT AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initial*	Document Number	Issue or Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, where Relevant Passages or Relevant Figures Appear
	5,994,494	11/30/1999	Wakui	
	6,001,980	12/14/1999	Borzo et al.	
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	6,423,306 B2	7/23/2002	Caes et al.	
	6,475,500 B2	11/5/2002	Vatter et al.	

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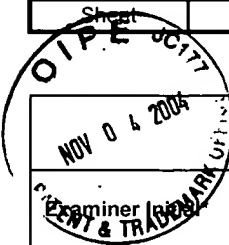
**U.S. PATENT AND PUBLISHED U.S. PATENT APPLICATIONS**

Document Number	Issue or Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, where Relevant Passages or Relevant Figures Appear
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6,552,160	4/22/2003	Pavlin	
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SignatureDate  
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IDS Form PTO/SB/08: Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			Application Number	09/749,036	
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			First Named Inventor	Véronique FERRARI et al.	
			Art Unit	1615	
			Examiner Name	Venkat	
			Attorney Docket Number	05725.0832-00000	
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**U.S. PATENT AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, where Relevant Passages or Relevant Figures Appear
		US 2004/0086478 A1	5/6/2004	Ferrari	
		US 2004/0091510 A1	5/13/2004	Feng et al.	
		US 2004/0126401 A1	7/1/2004	Collin	
		US 2004/0166076 A1	8/26/2004	Ferrari et al.	
		US 2004/0166133 A1	8/26/2004	Cavazzuti et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document <small>Country Code<sup>1</sup> Number<sup>2</sup> Kind Code<sup>3</sup> (if known)</small>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>4</sup>
		CA 1,319,306	6/15/1988	Canada		English
		CA 2,003,346	5/23/1990	Canada		English
		DE 195 43 988 A1	5/28/1997	Germany		Abstract
		DE 199 51 010 A1	4/26/2001	Germany		Abstract
		DE 38 43 892 A1	6/28/1990	Germany		Abstract
		DE 42 08 297 A1	9/23/1993	Germany		Abstract
		DE 42 34 886 A1	4/21/1994	Germany		Abstract
		EP 0 169 997 B1	2/5/1986	Europe		Abstract
		EP 0 295 886 B1	12/21/1988	Europe		English
		EP 0 749 748 A1	12/27/1996	Europe		Abstract
		EP 0 958 804 A2	11/24/1999	Europe		English
		EP 0 958 805 A2	11/24/1999	Europe		English
		EP 1 062 944 A1	12/27/2000	Europe		English
		EP 1 062 959 A1	12/27/2000	Europe		English
		EP 1 095 959 A2	5/2/2001	Europe		English
		EP 1 213 011 A1	6/12/2002	Europe		English
		EP 1 213 316 A2	6/12/2002	Europe		English

Examiner Signature		Date Considered	
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IDS Form PTO/SB/08: Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Application Number	09/749,036
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		FR 2 796 272	1/19/2001	France		Abstract
		FR 2 796 273	1/19/2001	France		Abstract
		FR 2 804 017	7/27/2001	France		Abstract
		FR 2 804 018	7/27/2001	France		Abstract
		FR 2 810 562	12/28/2001	France		Abstract
		FR 2 811 225	1/11/2002	France		Abstract
		FR 2 817 739	6/14/2002	France		Abstract
		FR 2 817 740	6/14/2002	France		Abstract
		FR 2 817 743	6/14/2002	France		Abstract
		FR 2 819 399	7/19/2002	France		Abstract
		FR 2 819 400	7/19/2002	France		Abstract
		GB 1 273 004	5/3/1972	Great Britain		English
		GB 2 014 852 A	9/5/1979	Great Britain		English
		JP 02/200612	8/8/1990	Japan		Abstract
		JP 10/120903	5/12/1998	Japan		Abstract
		JP 11/335228	12/7/1999	Japan		Abstract
		JP 11/335242	12/7/1999	Japan		Abstract
		JP 11/335254	12/7/1999	Japan		Abstract
		JP 2000038314 A	2/8/2000	Japan		Abstract
		JP 2000038316 A	2/8/2000	Japan		Abstract
		JP 2000038317 A	2/8/2000	Japan		Abstract
		JP 2000038321 A	2/8/2000	Japan		Abstract
		JP 2000086427 A	3/28/2000	Japan		Abstract
		JP 2000086429 A	3/28/2000	Japan		Abstract

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Sheet

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**FOREIGN PATENT DOCUMENTS**

Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>12</sup>
	Country Code <sup>9</sup> Number <sup>10</sup> Kind Code <sup>11</sup> (if known)				
	JP 2000086438 A	3/28/2000	Japan		Abstract
	JP 9/20631	1/21/1997	Japan		Abstract
	JP 50/058242	5/21/1975	Japan		Abstract
	JP 62/061911	3/18/1987	Japan		Abstract
	WO 01/97773 A1	12/27/2001	PCT		English Abstract
	WO 02/03932 A2	1/17/2002	PCT		English
	WO 02/03935 A2	1/17/2002	PCT		English
	WO 02/03950 A2	1/17/2002	PCT		English
	WO 02/03951 A2	1/17/2002	PCT		English
	WO 02/056847 A1	7/25/2002	PCT		English Abstract
	WO 02/056848 A1	7/25/2002	PCT		English Abstract
	WO 02/092047 A1	11/21/2002	PCT		English
	WO 02/47619 A2	6/20/2002	PCT		English
	WO 02/47622 A2	6/20/2002	PCT		English Abstract
	WO 02/47629 A1	6/20/2002	PCT		English Abstract
	WO 02/47630 A1	6/20/2002	PCT		English Abstract
	WO 02/49583 A1	6/27/2002	PCT		English
	WO 87/03783	7/2/1987	PCT		English
	WO 98/22078	5/28/1998	PCT		English Abstract

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	09/749,036
Filing Date	December 28, 2000
First Named Inventor	Véronique FERRARI et al.
Art Unit	1615
Examiner Name	Venkat
Attorney Docket Number	05725.0832-00000

Sheet

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of

12

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		Co-Pending Application No. 10/182,830; Attorney Docket No. 05725.0795-01 Title: COSMETIC COMPOSITION COMPRISING HETERO POLYMERS AND A SOLID SUBSTANCE AND METHOD OF USING SAME U.S. Filing Date: August 2, 2002	
		Co-Pending Application No. 10/203,018; Attorney Docket No. 05725.0816-01 Title: COMPOSITION COMPRISING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE INERT FILLER AND METHODS FOR USE U.S. Filing Date: August 5, 2002	
		Co-Pending Application No. 10/203,254; Attorney Docket No. 05725.0817-01 Title: COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE GELLING AGENT AND METHODS OF USING THE SAME U.S. Filing Date: August 7, 2002	
		Co-Pending Application No. 10/413,217, Attorney Docket No. 5725.0895-01000 Title: METHODS OF DISPERSING AT LEAST ONE COLORING AGENT USING AT LEAST ONE HETEROPOLYMER U.S. Filing Date: April 15, 2003	
		Co-Pending Application No. 10/450,108, Attorney Docket No. 5725.1198-00-000 Title: COSMETIC COMPOSITION COMPRISING A POLYMER AND FIBRES U.S. Filing Date: June 11, 2003	
		Co-Pending Application No. 10/459,636, Attorney Docket No. 5725.1336-00-000 Title: COSMETIC EMULSIONS CONTAINING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE SUNSCREEN AND METHODS OF USING THE SAME U.S. Filing Date: June 12, 2003	
		Co-Pending Application No. 10/466,166, Attorney Docket No. 5725.1228-00-000 Title: COSMETIC COMPOSITION COMPRISING A MIXTURE OF POLYMERS U.S. Filing Date: July 14, 2003	
		Co-Pending Application No. 10/618,315, Attorney Docket No. 5725.1337-00-000 Title: COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING AGENT U.S. Filing Date: July 11, 2003	
		Co-Pending Application No. 10/699,780, Attorney Docket No. 5725.0895-02 Title: METHODS OF DISPERSING AT LEAST ONE COLORING AGENT USING AT LEAST ONE HETEROPOLYMER U.S. Filing Date: November 4, 2003	
		Co-Pending Application No. 10/746,612, Attorney Docket No. 5725.1338-01-000 Title: COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING AGENT U.S. Filing Date: December 22, 2003	
		Co-Pending Application No. 10/747,412, Attorney Docket No. 5725.1338-02-000 Title: COSMETIC EMULSIONS CONTAINING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE SUNSCREEN AND METHODS OF USING THE SAME U.S. Filing Date: December 22, 2003	
		Co-Pending Application No. 10/787,440, Attorney Docket No. 5725.0816-02-000 Title: COMPOSTITION COMPRISING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE INERT FILLER AND METHODS FOR USE U.S. Filing Date: February 27, 2004	
		Co-Pending Application No. 10/787,441, Attorney Docket No. 5725.0795-02-000 Title: COSMETIC COMPOSITION COMPRISING HETERO POLYMERS AND A SOLID SUBSTANCE AND METHOD OF USING SAME U.S. Filing Date: February 27, 2004	
		Co-Pending Application No. 10/918,579, Attorney Docket No. 05725.0808-02 Title: COMPOSITIONS CONTAINING HETEROPOLYMERS AND OILSOLUBLE ESTERS AND METHODS OF USING SAME U.S. Filing Date: August 16, 2004	
		English language abstract of JP 50/058242	
		English language DERWENT abstract of DE 195 43 988 A1	

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Application Number	09/749,036
Filing Date	December 28, 2000
First Named Inventor	Véronique FERRARI et al.
Art Unit	1615
Examiner Name	Venkat
Attorney Docket Number	05725.0832-00000

Sheet

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(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s),  
publisher, city and/or country where published.
Translation<sup>6</sup>

English language DERWENT abstract of DE 199 51 010 A1

English language DERWENT abstract of DE 38 43 892 A

English language DERWENT abstract of DE 42 08 297 A1

English language DERWENT abstract of DE 42 34 886 A1

English language DERWENT abstract of EP 0 169 997 B

English language DERWENT abstract of EP 0 749 748 A1

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English language DERWENT abstract of FR 2 796 270

English language DERWENT abstract of FR 2 796 271

English language DERWENT abstract of FR 2 796 272

English language DERWENT abstract of FR 2 796 273

English language DERWENT abstract of FR 2 796 276

English language DERWENT abstract of FR 2 804 017

English language DERWENT abstract of FR 2 804 018

English language DERWENT abstract of FR 2 810 562

English language DERWENT abstract of FR 2 811 225

English language DERWENT abstract of FR 2 811 552

English language DERWENT abstract of FR 2 816 506

English language DERWENT abstract of FR 2 817 739

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English language DERWENT abstract of FR 2 817 743

English language DERWENT abstract of FR 2 819 399

English language DERWENT abstract of FR 2 819 400

English language DERWENT abstract of JP 02/200612

English language DERWENT abstract of JP 09/255560

English language DERWENT abstract of JP 10/007527

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Art Unit	1615
Examiner Name	Venkat
Attorney Docket Number	05725.0832-00000

Sheet 9 of 12

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	No. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>8</sup>
		English language DERWENT abstract of JP 10/120903	
		English language DERWENT abstract of JP 10/212213	
		English language DERWENT abstract of JP 11/335228	
		English language DERWENT abstract of JP 11/335242	
		English language DERWENT abstract of JP 11/335254	
		English language DERWENT abstract of JP 2000038314 A	
		English language DERWENT abstract of JP 2000038316 A and JP 2000038317 A	
		English language DERWENT abstract of JP 2000038321 A	
		English language DERWENT abstract of JP 2000086427 A	
		English language DERWENT abstract of JP 2000086429 A	
		English language DERWENT abstract of JP 2000086438 A	
		English language DERWENT abstract of JP 9/20631	
		English language DERWENT abstract of WO 01/97773 A1	
		English language DERWENT abstract of WO 02/056847 A1	
		English language DERWENT abstract of WO 02/056848 A1	
		English language DERWENT abstract of WO 02/47622 A2	
		English language DERWENT abstract of WO 02/47629 A1	
		English language DERWENT abstract of WO 02/47630 A1	
		English language DERWENT abstract of WO 86/04916	
		Estee Lauder MagnaScopic Maximum Volume mascara product packaging, believed to have first been sold in 2003	
		Handbook of Cosmetic Science and Tech. Elsevier Advanced Tech., 1st Edition (1994), pgs. 1-31	
		International Search Report in PCT/FR01/03726, dated April 18, 2002	
		Kenji Hanabusa et al., Prominent Gelation and Chiral Aggregation of Alkylamides Derived from trans-1,2-Diaminocyclohexane, Angew. Chem. Int. Ed. Engl. 1996, 35, No. 17, 1949-1951	
		Kirk-Othmer, "Encyclopedia of Chemical Technology", Third Edition, Volume 22, John Wiley & Sons, 1983, pp. 332-342	
		Milan Jokic et al., A Novel Type of Small Organic Gelators: Bis(Amino Acid) Oxalyl Amides, 1995 J. Chem. Soc., Chem. Commun., 1723-1724	
		Office Action in co-pending Application No. 09/618,066 (Attorney Docket No. 05725.0656-00) dated December 21, 2001 (Ex. Seidleck)	

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Considered

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Application Number	09/749,036
Filing Date	December 28, 2000
First Named Inventor	Véronique FERRARI et al.
Art Unit	1615
Examiner Name	Venkat
Attorney Docket Number	05725.0832-00000

Sheet 10 of 12

**NON PATENT LITERATURE DOCUMENTS**

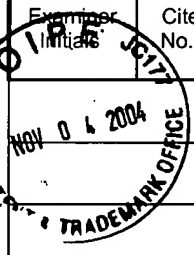
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>8</sup>
		Office Action in co-pending Application No. 09/618,066 (Attorney Docket No. 05725.0656-00) dated July 15, 2002 (Ex. Sheikh)	
		Office Action in co-pending Application No. 09/618,066 (Attorney Docket No. 05725.0656-00) dated July 16, 2003 (Ex. Sheikh)	
		Office Action in co-pending Application No. 09/618,066 (Attorney Docket No. 05725.0656-00) dated November 19, 2003 (Ex. Sheikh)	
		Office Action in co-pending Application No. 09/685,577 (Attorney Docket No. 05725.0656-01) dated August 11, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/685,577 (Attorney Docket No. 05725.0656-01) dated July 15, 2002 (Ex. Sheikh)	
		Office Action in co-pending Application No. 09/685,577 (Attorney Docket No. 05725.0656-01) dated July 16, 2003 (Ex. Sheikh)	
		Office Action in co-pending Application No. 09/685,577 (Attorney Docket No. 05725.0656-01) dated November 19, 2003 (Ex. Sheikh)	
		Office Action in co-pending Application No. 09/685,578 (Attorney Docket No. 05725.0659-01) dated August 11, 2004 (Ex. Pryor)	
		Office Action in co-pending Application No. 09/685,578 (Attorney Docket No. 05725.0659-01) dated May 7, 2003 (Ex. Pryor)	
		Office Action in co-pending Application No. 09/685,578 (Attorney Docket No. 05725.0659-01) dated November 19, 2003 (Ex. Pryor)	
		Office Action in co-pending Application No. 09/733,896 (Attorney Docket No. 05725.0806) dated January 28, 2003 (Ex. Rajguru)	
		Office Action in co-pending Application No. 09/733,896 (Attorney Docket No. 05725.0806) dated July 19, 2002 (Ex. Rajguru)	
		Office Action in co-pending Application No. 09/733,896 (Attorney Docket No. 05725.0806) dated November 18, 2003 (Ex. Rajguru)	
		Office Action in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809) dated April 15, 2002 (Ex. Berman)	
		Office Action in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809) dated April 23, 2003 (Ex. Wells)	
		Office Action in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809) dated August 29, 2002 (Ex. Berman)	
		Office Action in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809) dated May 6, 2004 (Ex. Yu)	
		Office Action in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808) dated April 29, 2003 (Ex. Yoon)	
		Office Action in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808) dated August 28, 2002 (Ex. Yoon)	
		Office Action in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808) dated December 23, 2003 (Ex. Yoon)	
		Office Action in co-pending Application No. 09/733,899 (Attorney Docket No. 05725.0594) dated April 7, 2004 (Ex. Lamm)	

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IDS Form PTO/SB/08: Substitute for form 1449A/PTO		<b>Complete if Known</b>			
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Application Number	09/749,036		
		Filing Date	December 28, 2000		
		First Named Inventor	Véronique FERRARI et al.		
		Art Unit	1615		
		Examiner Name	Venkat		
Sheet	11	of	12	Attorney Docket Number	05725.0832-00000

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		Office Action in co-pending Application No. 09/733,899 (Attorney Docket No. 05725.0594) dated April 9, 2003 (Ex. Lamm)	
		Office Action in co-pending Application No. 09/733,899 (Attorney Docket No. 05725.0594) dated September 22, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,900 (Attorney Docket No. 05725.0595) dated April 7, 2004 (Ex. Lamm)	
		Office Action in co-pending Application No. 09/733,900 (Attorney Docket No. 05725.0595) dated July 16, 2003 (Ex. Lamm)	
		Office Action in co-pending Application No. 09/899,909 (Attorney Docket No. 05725.0920) dated December 18, 2001 (Ex. Dodson)	
		Office Action in co-pending Application No. 09/937,314 (Attorney Docket No. 05725.0932) dated May 19, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/971,028 (Attorney Docket No. 05725.0895-00) dated August 11, 2003 (Ex. Wang)	
		Office Action in co-pending Application No. 09/971,028 (Attorney Docket No. 05725.0895-00) dated March 26, 2003 (Ex. Wang)	
		Office Action in co-pending Application No. 10/012,029 (Attorney Docket No. 05725.1003) dated November 20, 2002 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/012,029 (Attorney Docket No. 05725.1003) dated September 08, 2003 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/012,051 (Attorney Docket No. 05725.1004) dated January 14, 2003 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/012,051 (Attorney Docket No. 05725.1004) dated May 14, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/012,051 (Attorney Docket No. 05725.1004) dated October 3, 2003 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/012,052 (Attorney Docket No. 05725.1005) dated November 6, 2003 (Ex. Wells)	
		Office Action in co-pending Application No. 10/012,052 (Attorney Docket No. 05725.1005-00) dated August 9, 2004 (Ex. Wells)	
		Office Action in co-pending Application No. 10/046,568 (Attorney Docket No. 05725.1018) dated December 30, 2003 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/046,568 (Attorney Docket No. 05725.1018) dated June 12, 2003 (Ex. Venkat)	
	Office Action in co-pending Application No. 10/046,568 (Attorney Docket No. 05725.1018) dated November 5, 2002 (Ex. Venkat)		

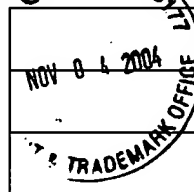
Examiner Signature		Date Considered	
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		Application Number	09/749,036		
		Filing Date	December 28, 2000		
		First Named Inventor	Véronique FERRARI et al.		
		Art Unit	1615		
		Examiner Name	Venkat		
Sheet	12	of	12	Attorney Docket Number	05725.0832-00000

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		Office Action in co-pending Application No. 10/046,568 (Attorney Docket No. 05725.1018) dated September 22, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/047,987 (Attorney Docket No. 05725.1020) dated December 11, 2003 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/047,987 (Attorney Docket No. 05725.1020-00) dated September 7, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/182,830 (Attorney Docket No. 05725.1073-00) dated August 24, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/198,931 (Attorney Docket No. 05725.0896) dated December 18, 2003 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/198,931 (Attorney Docket No. 05725.0896-00) dated September 1, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/203,018 (Attorney Docket No. 05725.0816-01) dated May 19, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/413,217 (Attorney Docket No. 05725.0895-01) dated September 9, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/699,780 (Attorney Docket No. 05725.0895-02) dated September 22, 2004 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/787,440 (Attorney Docket No. 05725.0816-02) dated August 24, 2004 (Ex. Venkat)	
		Origins Full Story™ Lush lash mascara product packaging, believed to have first been sold in 2003	
		PCT Application No. PCT/US03/41618; Attorney Docket No. 5725.1338-00-304 Title: COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING AGENT Inventors: Shao Xiang LU , Terry VAN LIEW, Nathalie GEFFROY-HYLAND International Filing Date: December 22, 2003	
		PCT Application No. PCT/US04/01071; Attorney Docket No. 5725.1335-00-304 Title: LONG WEAR COSMETIC COMPOSITION Inventor: Balanda ATIS International Filing Date: January 16, 2004	
		Toshimi Shimizu et al., Stereochemical Effect of Even-Odd Connecting Links on Supramolecular Assemblies Made of 1-Glucosamide Bolaamphiphiles, J. Am Chem. Soc. 1997, 119, 2812-2818	

Examiner Signature		Date Considered	
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<b>INFORMATION DISCLOSURE: STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				Application Number	09/749,036
				Filing Date	December 28, 2000
				First Named Inventor	Véronique FERRARI et al.
				Art Unit	1615
				Examiner Name	Venkat
Sheet	13	of	12	Attorney Docket Number	05725.0832-00000

- <sup>1</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).
- <sup>2</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.
- <sup>3</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.
- <sup>4</sup> Applicant is to place a check mark here if English language Translation is attached.  
 This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
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- <sup>6</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.
- <sup>7</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				Application Number	09/749,036
				Filing Date	December 28, 2000
				First Named Inventor	Véronique FERRARI et al.
				Art Unit	1615
				Examiner Name	Venkat
Sheet	14	of	12	Attorney Docket Number	05725.0832-00000

<sup>9</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

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<sup>11</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

<sup>12</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.